

Application No. 09/963,914
Amendment "B" dated October 26, 2005
Reply to Office Action mailed August 25, 2005

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the courtesies that were extended to Applicants' attorneys during the recent in person interview on October 20, 2005 and during subsequent follow-up telephonic communications.

In the last Office Action, mailed August 25, 2005, claims 1-4, 7-9, 11, 16, 18, 21 and 23-25 were considered and rejected.¹

By this paper, claims 1, 3-4 and 8 have been cancelled, claims 7, 9, 11, 16, 18, 21 and 23-25 have been amended, and new claims 26-29 have been added, such that claims 2, 7, 9, 11, 16, 18, 21 and 23-29 remain pending, of which claims 1 and 11 are the only independent claims at issue.²

Initially, with regard to the § 101 rejections, Applicants respectfully submit that claims 11 and 21 are directed to statutory subject matter. To clarify this, the claims have been amended, as discussed during the interview, to emphasize that the computer readable media are tangible

¹ Claims 1-2, 7-8, 11, 18, and 25 were rejected under 35 U.S.C. 103(a) as unpatentable over Gao et al. (U.S. Publication No. 2002/0032701 A1), priority filed 9/2000, in view of JS-Examples-353, "Open Bigger Picture", <http://www.js-examples.com/javascript/?id=353>, published 06/2000, pages 1-15, JS-Examples-354, "Open New Windows", <http://www.js-examples.com/javascript/?id=354>, published 04/2000, pages 1/7, Holbrook et al. (U.S. Publication No. 2002/0152222 A1), provisional filed 11/2000, and Yehuda Shiran, "Scriptlet Authoring," <http://www.webreference.com/js/tips/991222.html>, published 12/1999, pages 1-2. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (U.S. Publication No. 2002/0032701 A1), priority filed 9/2000, in view of JS-Examples-353, "Open Bigger Picture", <http://www.js-examples.com/javascript/?id=353>, published 06/2000, pages 1-15, JS-Examples-354, "Open New Windows", <http://www.js-examples.com/javascript/?id=354>, published 04/2000, pages 1/7, Holbrook et al. (U.S. Publication No. 2002/0152222 A1), provisional filed 11/2000, and Yehuda Shiran, "Scriptlet Authoring," <http://www.webreference.com/js/tips/991222.html>, published 12/1999, pages 1-2, and in further view of JS-Examples-503, "DHTML Popup for NS6 and IE5", <http://www.js-examples.com/javascript/?id=503>, published 03/2001, pages 108. Claims 4, 9, 16, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (U.S. Publication No. 2002/0032701 A1), priority filed 9/2000, in view of JS-Examples-353, "Open Bigger Picture", <http://www.js-examples.com/javascript/?id=353>, published 06/2000, pages 1-15, JS-Examples-354, "Open New Windows", <http://www.js-examples.com/javascript/?id=354>, published 04/2000, pages 1/7, Holbrook et al. (U.S. Publication No. 2002/0152222 A1), provisional filed 11/2000, and Yehuda Shiran, "Scriptlet Authoring," <http://www.webreference.com/js/tips/991222.html>, published 12/1999, pages 1-2 as applied to claims 1 and 8 above and further in view of Hunt et al. (U.S. Publication 2004/0133848 A1), provisional filed 4/2000. Claims 11 and 21 were also rejected under 35 USC Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

² Support for the claim amendments is found in at least paragraphs [0054-0056], as well as the previously presented claims.

Application No. 09/963,914
Amendment "B" dated October 26, 2005
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and physical computer-readable media. The Examiner seemed to concur that these amendments should be adequate to overcome the § 101 rejections.

Attention will now be directed to the substantive rejections based on the art of record. As discussed during the interview, the present invention is generally directed to embodiments for overlaying content over a displayable form of a document in response to a detected event. In some embodiments, for example, this can include overlaying content over a browser displayed document in response to cursor movements to particular regions of a screen.

In claim 1, for instance, the recited method includes retrieving a document from a server and displaying the document. The client system also detects a script tag in the document to a script that is not included in the document. This script tag identifies a URL source of a remote script and includes a single querystring parameter that identifies the displayed document in which the tag is embedded. Thereafter, the client submits a request to the server for the script using the URL and the querystring parameter. In this regard, the querystring parameter ensures that the requested script will be specific to the document identified by the querystring parameter. The identified script is then retrieved, as is relevant event-based content, through use of the querystring parameter that identifies the document. It will be noted that the event-based content is retrieved prior to the client executing the script. Then, only after first obtaining the relevant event-based content, the script is executed to generate a scriptlet that is instrumental in overlaying the obtained content over the displayed document in a new window, such as, for example, in response to detecting an event comprising movement of a cursor within certain boundaries to a specific region of the screen.

Claim 11, which is the only other independent claim at issue, is directed to a corresponding computer program product having computer-executable instructions for implementing the method recited in claim 26.

The primary reference, Gao, which was used in rejecting all of the claims, teaches a method and system wherein a script referenced in a first webpage is executed to create a second "phantom" webpage, which is hidden until a certain event occurs (such as a cursor movement), at which time it is displayed. In particular, Gao teaches that after requesting a first webpage (element 1 of Figure 5), the webpage is returned with a reference to a script (element 2, Fig. 5; ¶ 47, ll. 6-8; ¶ 48, ll. 1-3 and 10-12). The client then generates a request to the server for the script (element 3, Fig. 5; ¶ 48, ll. 12-15). In response, the server sends the script back to the client,

Application No. 09/963,914
Amendment "B" dated October 26, 2005
Reply to Office Action mailed August 25, 2005

which is converted into code and which is embedded in the webpage with the other content (element 4, Fig. 5; ¶ 48, ll. 16-22). Next, the client automatically executes the code of the script when it is encountered, thereby requesting that a new webpage be created (element 5, Fig. 5; ¶ 49, ll. 1-5, 14-17). It is only then that the data is obtained for the new webpage, which is sent to the client for display (element 6, Fig. 5; ¶ 49, ll. 14-17). However, as mentioned, the second webpage is hidden until an appropriate time. (element 7, Fig. 5; ¶ 33, ll. 16-22; ¶ 49, ll. 8-13; and ¶ 50).

Notably, Gao teaches that the server does not obtain the event-related content until after the script or code is executed (as part of element 5) (¶ 49, ll. 1-5, 14-17). This is in direct contrast with the claimed invention, wherein the event-based content is retrieved prior to the client executing the script that was referenced by the script tag. As previously claimed, and as recited in now claimed, and as explicitly stated in the specification, for example, the content can be obtained at the same time that the script is obtained.

The other referenced article (JS-Examples-353), which was discussed extensively during the interview, shows an example on pages three and four in which a script can react to a selection of a first image (pics 1 or 2) to display a new overlapping image (pics 3 or 4). However, it will be noted that even in this example, the pics 3 and 4 are not obtained until after the script is executed, as discussed during the interview. Accordingly, both of these references fail to show that relevant content is obtained prior to executing the script, as claimed.

The cited art also appears to fail to disclose or suggest the use of a querystring parameter, by a server, to both identify a script corresponding to a particular page in which the script tag was embedded, as well as to identify relevant event-based content, as claimed. (Specification ¶¶ [0055 and 0056]).

The cited art also appears to fail to disclose or suggest that the event-based content is retrieved in an XML format. (Claims 9 and 27). Although the Examiner has cited to Hunt for the proposition that XML and HTML are both capable of delivering data, Applicants respectfully submit that it would not make sense to combine this teaching of Hunt with Gao to reject at least claim 27 inasmuch as claim 27 explicitly recites that "the event-based content is retrieved in a format other than as an HTML webpage, and such that retrieving the event-based content is performed without having to make a request for a webpage." In other words, because Gao explicitly recites that the additional content is obtained in a requested HTML webpage (¶ 49) and

Application No. 09/962,914
Amendment "IJ" dated October 26, 2005
Reply to Office Action mailed August 25, 2005

because this is in direct contrast to the language recited in claim 27, Gao essentially teaches away from the recited claim language. Therefore, Gao should not be used in any combination with Hunt or any other reference to reject at least claim 27, since Gao appears to teach away from and to be in direct conflict with the language of claim 27.

In view of the foregoing, Applicants respectfully submit that the pending claims 2, 7, 9, 11, 16, 18, 21 and 23-29 are distinguished from the art of record and are therefore in condition for allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 26 day of October, 2005.

Respectfully submitted,



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